
By: **Senator Ruben**
Introduced and read first time: March 3, 2003
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Carrier Safety Regulations - Applicability of Medical and**
3 **Certification Requirements**

4 FOR the purpose of repealing a provision prohibiting the Motor Vehicle
5 Administration from applying certain federal medical examination and
6 certification requirements to a driver who operates certain vehicles; altering a
7 provision prohibiting the Administration from applying certain federal medical
8 examination and certification requirements to certain intrastate drivers to
9 make the prohibition applicable only before a certain date and to persons who
10 meet certain requirements; and generally relating to the applicability of certain
11 federal medical examination and certification requirements.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 25-111(i)
15 Annotated Code of Maryland
16 (2002 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Transportation**

20 25-111.

21 (i) (1) Except as provided for in paragraph (2) of this subsection, regulations
22 adopted under this section for intrastate motor carrier transportation may not:

23 (i) Require that a driver be older than 18 years of age;

24 (ii) Apply the provisions of § 391.21, § 391.23, § 391.31 or § 391.35
25 of the Federal Motor Carrier Safety Regulations to:

26 1. A driver who is a regularly employed driver of a motor
27 carrier for a continuous period that began before July 1, 1986, if the driver continues
28 to be a regularly employed driver of the motor carrier; or

1 (vii) Except in the case of bus drivers, apply the provisions of §
2 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations BEFORE
3 OCTOBER 1, 2023 to any person who:

4 1. [Was] ON OCTOBER 1, 2003, WAS otherwise qualified to
5 operate and operated a [commercial motor vehicle in intrastate commerce on or
6 before October 1, 1992] VEHICLE OR VEHICLE COMBINATION USED IN INTRASTATE
7 COMMERCE WITH A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION
8 WEIGHT RATING OF 10,001 POUNDS OR MORE AND, AFTER OCTOBER 1, 2003,
9 REMAINED QUALIFIED TO OPERATE AND CONTINUED TO OPERATE SUCH A VEHICLE;

10 2. Operates only in intrastate commerce; and

11 3. Has a mental or physical condition which would disqualify
12 the person under the Federal Motor Carrier Safety Regulations and:

13 A. The condition existed on October 1, [1992] 2003 or at the
14 time of the first physical examination after that date to which the person submitted
15 as required by regulations adopted by the Administration under subsection (k) of this
16 section; and

17 B. A physician who has examined the person has determined
18 that the condition has not substantially worsened AND THAT NO OTHER
19 DISQUALIFYING MEDICAL OR PHYSICAL CONDITION HAS DEVELOPED since October
20 1, [1992] 2003 or the time of the first required physical examination after that date.

21 (2) Nothing contained in this subsection limits regulation of the
22 qualifications or hours of service of a driver of a vehicle:

23 (i) In interstate commerce;

24 (ii) Transporting hazardous materials of a type and quantity
25 requiring placarding under Federal Hazardous Materials Regulations; or

26 (iii) Designed to transport 16 or more passengers, including the
27 driver.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2003.